

person violating the provisions of Section 2 of this act shall be guilty of a Class V misdemeanor." (FAS appears on page 492 of the Legislative Journal.)

SPEAKER WITHEM: Senator Preister, would you like to open on your amendment?

SENATOR PREISTER: Thank you, honorable Speaker, friends all, I'm not attempting to belabor this issue. I am doing what I originally stated that I was trying to do and that was to provide a little compassion and not to make compassion against the law and subject to jail time. Basically, I believe that this language, and Senator Beutler will have a chance, I hope, to at least look at what we have done and determine if, in fact, it does what I believe it is intending to do, and that is to, in this section at least, not make it subject to jail time for an act of compassion of releasing an animal from a trap. And I can appreciate the comments of Senator Elmer when he says that the animal that's in the trap, and if it is a domesticated animal, or if it is truly an act of compassion that the judge would not allow that to happen, that the judge would not sentence that person. However, that does not preclude the fact that the person who is accused and has to appear in court does have to hire an attorney, does have to appear in court, does have to take time off from work, even if they're found innocent, if they're charged, if the charge is brought against them, and I have been told of situations where it has happened in this case but has happened in many other cases, if an attorney has to be hired, if there does have to be an actual court hearing then that person is still subject to a lot of time away from work, certainly expense on their own part and that that person is certainly not feeling like showing an act of compassion is something that is allowing them to have what they might consider due process. So I would ask your support for this amendment. It would not affect other areas of statute but simply this act and deal with the trapping aspect in particular. Thank you very much.

SPEAKER WITHEM: Thank you, Senator Preister. Any discussion on the pending Preister amendment? Senator Preister, there is none, would you care to close? Closing has been waived. The question is the adoption of the Preister amendment. All in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk.